

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TONIA BOYD,

Plaintiff,

-against-

CITY OF NEW YORK, et al.,

Defendants.

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AMON, United States District Judge:

NOT FOR PUBLICATION
ORDER

05-CV-5747(CBA)(SMG)

Plaintiff Tonia Boyd brought this action pursuant to 42 U.S.C. § 1983, seeking to collect damages for alleged constitutional violations stemming from an incident in which Boyd got into an altercation with officials at the Department of Education and after which Boyd was arrested. Boyd was originally represented by counsel, but the Magistrate Judge Steven M. Gold granted counsel's request to withdraw on November 7, 2007. Since that time, Magistrate Judge Gold has granted Boyd two extensions of time within which to retain new counsel. In the second of those two orders, dated February 21, 2008, he scheduled an in-court status conference for March 28, 2008. Also in that order, Magistrate Judge Gold wrote, in all capital letters, "FAILURE BY PLAINTIFF TO APPEAR FOR THE NEXT CONFERENCE WILL RESULT IN A RECOMMENDATION TO THE DISTRICT COURT THAT THIS CASE BE DISMISSED FOR FAILURE TO PROSECUTE."

When Boyd failed to appear at the scheduled conference, Magistrate Judge Gold issued the promised Report and Recommendation ("R&R") that same day, recommending that this case be dismissed, unless, within the time for filing objections, Boyd appeared through new counsel or appeared and announced her intention to proceed *pro se*. The time for filing objections has lapsed, see Fed. R. Civ. P. 72, and Boyd has not attempted to correspond with the Court in any

way.¹ Accordingly, the Court adopts Magistrate Judge Gold's R&R and exercises its inherent power to dismiss this case for failure to prosecute. See Link v. Wabash R.R. Co., 370 U.S. 626, 629-33 (1962). The Clerk of the Court is directed to enter judgment and to close this case.

SO ORDERED

Dated: Brooklyn, New York
April 21, 2008

Carol Bagley Amon
United States District Judge

¹It appears that the copy of Magistrate Judge Gold's R&R that was mailed to Boyd was returned to sender by the postal service with the further notation "moved". That envelope bears the address provided by Boyd and which remains listed as her address on the docket sheet in this action. Thus, it appears that Boyd has failed in her duty to keep the Court apprised of her address. See Moore v. Wright, No. 07-CV-1539, 2008 WL 850189, at *2 (E.D.N.Y. March 28, 2008). The Magistrate Judge's scheduling order of February 21, 2008 was not returned.